

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

FILED
RICHARD W. NAGEL
CLERK OF COURT

2017 JUN 15 PM 2:39

UNITED STATES OF AMERICA, : Case No. 3:17-cr-95
Plaintiff, : Judge Walter H. Rice
v. : **INDICTMENT**
KEVIN R. TINCER :
Defendant. : **FORFEITURE ALLEGATION**

The Grand Jury charges:

COUNT ONE

[21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)-(B)]

On or about February 10, 2017, in the Southern District of Ohio, and elsewhere, defendant **KEVIN R. TINCER** knowingly and intentionally possessed with intent to distribute:

- a. 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance;
- b. 500 grams or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance;
- c. 1 kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)-(B).

COUNT TWO

[18 U.S.C. § 922(g)(1)]

On or about February 10, 2017, in the Southern District of Ohio, defendant **KEVIN R. TINCER** knowingly possessed a firearm in and affecting interstate and foreign commerce.

Such possession occurred after defendant **KEVIN R. TINCER** had been convicted of the following felonies, each of which was punishable by a term of imprisonment exceeding one year, namely:

- on or about January 7, 2004, in the Montgomery County Common Pleas Court, Ohio, case number 2003CR092874, of possession of oxycontin, in violation of Ohio law.
- on or about March 7, 2006, in the Rockcastle Circuit Court for the Commonwealth of Kentucky, case No. 05CR00072-005, of trafficking in controlled substance, in violation of Kentucky law.
- on or about September 15, 2009, in the United States District Court for the Southern District of Ohio, case number 3:08CR0036, of distribution of oxycodone, distribution of cocaine, distribution of oxycodone, in violation of federal law.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT THREE

[18 U.S.C. § 922(g)(1)]

On or about February 10, 2017, in the Southern District of Ohio, defendant **KEVIN R. TINCER** knowingly possessed a firearm in and affecting interstate and foreign commerce.

Such possession occurred after defendant **KEVIN R. TINCER** had been convicted of

the following felonies, each of which was punishable by a term of imprisonment exceeding one year, namely:

- on or about January 7, 2004, in the Montgomery County Common Pleas Court, Ohio, case number 2003CR092874, of possession of oxycontin, in violation of Ohio law.
- on or about March 7, 2006, in the Rockcastle Circuit Court for the Commonwealth of Kentucky, case No. 05CR00072-005, of trafficking in controlled substance, in violation of Kentucky law.
- on or about September 15, 2009, in the United States District Court for the Southern District of Ohio, case number 3:08CR0036, of distribution of oxycodone, distribution of cocaine, distribution of oxycodone, in violation of federal law.

In violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION ONE

Upon conviction of Count 1 of this Indictment, the Defendant, **KEVIN R. TINCER**, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violation, including but not limited to:

[Items seized at 2017 Maplegrove, Dayton, Ohio 45414]

- Taurus PT111 Pro 9mm firearm, Serial No. TAW60779 with two magazines
- 74 rounds of Taurus 9mm ammunition
- 20 rounds of 308 ammunition

- 2 Taurus magazines, 1 Smith & Wesson magazine
- \$13,935.00 in U.S. Currency
- Jicffeco handgun, Serial No. 48205 with magazine

[Items seized at 1809 Valley Street, Dayton, Ohio 45414]

- \$ 770 in U.S. Currency
- 9 rounds of .45 caliber ammunition
- 32 rounds of Federal 9 mm ammunition
- SCCY 9 mm firearm, Serial No. 029151 with magazine
- Auto Ordnance .45 firearm, Serial No. A0A14077 with magazine

FORFEITURE ALLEGATION TWO

Upon conviction of Counts 1, 2 and/or 3 of this Indictment, the Defendant, KEVIN R. TINCHER, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearm or ammunition involved in or used in any violation as alleged in Counts 1, 2, or 3, which includes but is not limited to:

[Items seized at 2017 Maplegrove, Dayton, Ohio 45414]

- Taurus PT111 Pro 9mm firearm, Serial No. TAW60779 with two magazines
- 74 rounds of Taurus 9mm ammunition
- 20 rounds of 308 ammunition
- 2 Taurus magazines, 1 Smith & Wesson magazine
- Jicffeco handgun, Serial No. 48205 with magazine

[Items seized at 1809 Valley Street, Dayton, Ohio 45414]

- 9 rounds of .45 caliber ammunition
- 32 rounds of Federal 9 mm ammunition
- SCCY 9 mm firearm, Serial No. 029151 with magazine
- Auto Ordnance .45 firearm, Serial No. AOA14077 with magazine

SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without

difficulty; the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL

is / signed
Foreperson

BENJAMIN C. GLASSMAN
United States Attorney



AMY M. SMITH
Assistant United States Attorney